



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-18-00173-CR

ORLANDO BELL, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

**On Appeal from the 21st District Court
Burlson County, Texas
Trial Court No. 14,753; Honorable J.D. Langley, Presiding**

May 15, 2018

ABATEMENT AND REMAND

Before CAMPBELL, PIRTLE, and PARKER, JJ.

Appellant, Orlando Bell, was convicted by a jury of failure to comply with sex offender registration requirements, enhanced by two prior felonies,¹ and sentenced to fifty

¹ See TEX. CODE CRIM. PROC. ANN. art. 62.102(b)(2) (West 2018). See *also* TEX. PENAL CODE ANN. § 12.42(d) (West Supp. 2017).

years confinement. The appellate record has been filed and Appellant's brief is due to be filed on or before June 1, 2018. Appellant is represented by court-appointed counsel.

Pending before this court is Appellant's *pro se Motion [to] Remove Counsel* in which he complains of ineffective assistance of counsel and various alleged failures or omissions by counsel in representing him. Appellant's complaints require fact findings that this court is not in a position to render.

Furthermore, the trial court has the responsibility for appointing counsel for indigent defendants as well as the authority to relieve or replace appointed counsel upon a finding of good cause. See TEX. CODE. CRIM. PROC. ANN. arts. 1.051(d), 26.04(j)(2) (West Supp. 2017). See also *Enriquez v. State*, 999 S.W.2d 906, 907 (Tex. App.—Waco 1999, no pet.). Consequently, we now abate this appeal and remand the cause to the trial court for further proceedings.

Upon remand, the trial court shall, by whatever means necessary, determine the following:

1. whether Appellant still desires to prosecute his appeal;
2. whether good cause exists for removal of his court-appointed counsel;
and
3. whether Appellant remains indigent and is entitled to appointment of new counsel.

Should the trial court determine that Appellant does want to continue this appeal, but he is not entitled to new appointed counsel, it should enter an order denying his *pro se* motion and cause that order to be filed with the District Clerk. Should the trial court determine that Appellant does want to continue this appeal and that he is entitled to new court-

appointed counsel, it should enter an order granting his *pro se motion* and cause that order to be filed with the District Clerk along with a new order appointing counsel, stating the name, address, phone number, email address, and state bar number of newly-appointed counsel. The trial court shall cause that order, and any other necessary orders, to be included in a supplemental clerk's record to be filed with the clerk of this court by June 8, 2018.

The current appellate deadline of June 1, 2018, for the filing of Appellant's brief is suspended. If new counsel is not appointed, Appellant's brief shall be due thirty days from the date of the order denying Appellant's *pro se motion*. If new counsel is appointed, Appellant's brief shall be due thirty days from the date of the order of appointment.

It is so ordered.

Per Curiam

Do not publish.